UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,986	07/03/2003	Jarmo Kuusinen	088245-0194	4362

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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON, WI 53701-1497

EXAMINER
HASHEM, LISA

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/613,986	KUUSINEN ET AL.
		Examiner	**Art Unit**	
		Lisa Hashem	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-8 and 11-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-8 and 11-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

FINAL DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 2, 4-8, and 11-26 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3.   Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The claims include '...the identifier...'. It is not clear if the claim is

referring to the first, second, or third identifier.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

5.   Claim 1, 2, 4-6, 8, 11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by

U.S. Pat. No. 6,463,414 by Su et al, hereinafter Su.

Regarding claim 1, Su discloses a method for managing a packet switched, centralized

conference call between a plurality of terminals (i.e. telephony devices) (Fig. 1, Fig. 2:

participants 1-2) (col. 3, line 60 – col. 4, line 7), said method comprising at a conference call

server (Fig. 2: 200):

receiving streams of data packets from each of the plurality of terminals participating in a

conference call (col. 4, line 62 - col. 5, line 18), wherein each data packet includes either voice

data or background noise information (col. 8, lines 37-43) and an identifier (i.e. priority

assignment) associated with the respective terminal providing the data packet;

determining, based on the received data packets, if any of the terminals participating in the

conference call are currently providing voice data (col. 7, lines 46-53), and, if so, identifying

each of the terminals currently providing voice data (col. 7, line 40 – col. 8, line 3);

mixing voice data and background noise information included in the received streams of data

packets to generate encoded combined data (col. 8, lines 60-65) and inserting the encoded

combined data into outbound data packets together with indicia (i.e. priority assignment; Fig. 5,

560) identifying any terminal that provided any voice data associated with the encoded combined

data for each outbound data packet; and streaming the outbound data packets to the terminals

(i.e. using output channels to stream data packets to the terminals; Fig. 2: 212, 216, 220)

participating in the conference call (col. 4, line 51 – col. 5, line 18; Fig. 4; col. 8, line 35 – col. 9,

line 9).

Regarding claim 2, see col. 7, lines 40-53; Fig. 5, 560.

Regarding claim 4, see col. 7, lines 40-53 and col. 8, lines 37-43 and col. 8, line 52 – col.

9, line 14; Fig. 5, 560.

Regarding claim 5, see col. 7, lines 40-53; Fig. 5, 560.

Regarding claim 6, see col. 7, line 40 - col. 8, line 3; Fig. 5, 560.

Regarding claim 8, see col. 7, line 40 - col. 8, line 3; Fig. 5, 560.

Regarding claim 11, Su discloses a method for identifying an active terminal (col. 7, line 40 - col. line 3) of a plurality of terminals (i.e. telephony devices) (Fig. 1, Fig. 2: participants 1-2) (col. 3, line 60 – col. 4, line 7) participating in a conference call:

sending a first data packet from a first terminal participating in a conference call to a conference call server (Fig. 2, 200), wherein the first data packet includes background noise information and an identifier (i.e. priority assignment) associated with the first terminal (col. 8, line 37 – col. 9, line 14; col. 7, line 54 – col. 8, line 3); receiving a second data packet from the conference call server at the first terminal, wherein the second data packet includes the background noise information mixed with voice data from a second terminal participating in the conference call and an active terminal identifier associated with the second terminal (col. 6, lines 31-49; col. 7, line 54 – col. 8, line 3; Fig. 4; col. 8, lines 52-65; Fig. 5, 560); and presenting the active terminal identifier and an indicator at the first terminal, wherein the indicator indicates that the second terminal sent the voice data to the conference call server (col. 7, lines 40-45 and lines 54-65).

Regarding claim 14, Su discloses a method for managing a packet switched, centralized conference call between a plurality of terminals (i.e. telephony devices) (Fig. 1, Fig. 2: participants 1-2) (col. 3, line 60 – col. 4, line 7), the method comprising:

decoding a first data packet received from a first terminal of a plurality of terminals participating in a conference call at a conference call server (Fig. 2, 200), wherein the first data

packet includes voice data-and an identifier (i.e. priority assignment) associated with the first

terminal (col. 4, line 51 – col. 5, line 18; col. 7, lines 40-53; Fig. 5, 560);

decoding a second data packet received from a second terminal of the plurality of

terminals participating in the conference call at the conference call server, wherein the second

data packet includes background noise information (col. 8, lines 37-65; Fig. 4);

determining that the first data packet includes the voice data; mixing the decoded voice data and

the decoded background noise information; inserting the mixed voice data and background noise

information into a third data packet together with the identifier (Fig. 4; Fig. 5; col. 8, lines 52-

65); and sending the third data packet to the plurality of terminals participating in the

conference call (col. 4, line 51 – col. 5, line 18; col. 8, lines 52-65).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Su, as applied to

claim 1, in further view of U.S. Pat. No. 6,466,550 by Foster et al, hereinafter Foster.

Regarding claim 7, a method according to claim 1, wherein Su does not disclose said

conference call is based on the Real-time Transport Protocol (RTP), wherein said data packets

are RTP packets, wherein said identifiers associated to said terminals (13) are Synchronization

Source (SSRC) identifiers, and wherein said identifiers are included by said conference call

server (12) in said new data packets to a field provided in a packet header for a Contributing

Source (CSRC) list.

Foster discloses a method for managing a packet switched, centralized conference call

between a plurality of terminals (Fig. 2; see Abstract), said method comprising at a conference

call server (Fig. 2: 44, 46):

receiving data packets from all terminals participating in said conference call, which data packets

include either voice data or background noise information (e.g. other parties talking) as well as

an identifier associated to the respective terminal providing said voice data or said background

noise information;

determining based on said received data packets at least one terminal currently providing voice

data, if any, among said terminals participating in said conference call;

mixing said received voice data and said received background noise information (col. 5, line 49 –

col. 6, line 7; col. 9, line 56 – col. 10, line 15; col. 10, lines 27-36; col. 11, lines 8-19).

Foster further discloses said conference call is based on the Real-time Transport Protocol

(RTP), wherein said data packets are RTP packets, wherein said identifiers associated to said

terminals (13) are Synchronization Source (SSRC) identifiers, and wherein said identifiers are

included by said conference call server (12) in said new data packets to a field provided in a

packet header for a Contributing Source (CSRC) list (col. 8, line 6 – col. 7, line 67).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to modify the method of Su to include a RTP protocol, SSRC identifiers, and a CSRC

list as taught by Foster.   One of ordinary skill in the art would have been lead to make such a

modification to provide a conference call application in the Internet utilizing the RTP and the

SSRC and CSRC fields in RTP packets.

8.   Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su, as

applied to claim 11, in further view of Foster.

Regarding claim 12, a method of claim 11, wherein Su does not disclose said conference

call is based on the Real-time Transport Protocol (RTP).

Foster discloses a method for managing a packet switched, centralized conference call

between a plurality of terminals (Fig. 2; see Abstract), said method comprising at a conference

call server (Fig. 2: 44, 46):

receiving data packets from all terminals participating in said conference call, which data packets

include either voice data or background noise information (e.g. other parties talking) as well as

an identifier associated to the respective terminal providing said voice data or said background

noise information;

determining based on said received data packets at least one terminal currently providing voice

data, if any, among said terminals participating in said conference call;

mixing said received voice data and said received background noise information (col. 5, line 49 –

col. 6, line 7; col. 9, line 56 – col. 10, line 15; col. 10, lines 27-36; col. 11, lines 8-19).

Foster further discloses said conference call is based on the Real-time Transport Protocol

(RTP), wherein said data packets are RTP packets (col. 8, line 6 – col. 7, line 67).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to modify the method of Su to include a RTP protocol as taught by Foster.   One of

ordinary skill in the art would have been lead to make such a modification to provide a

conference call application in the Internet utilizing RTP.

Regarding claim 13, a method of claim 12, wherein Foster discloses first data packet and

the second data packet are RTP packets (col. 8, line 6 – col. 7, line 67).

9.   Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su, as

applied to claim 14, in further view of Foster.

Regarding claim 15, the method of claim 14, wherein Su does not disclose the received

second data packet further includes a second identifier associated with the second terminal.

Foster discloses a method for managing a packet switched, centralized conference call

between a plurality of terminals (Fig. 2; see Abstract), said method comprising at a conference

call server (Fig. 2: 44, 46):

receiving data packets from all terminals participating in said conference call, which data packets

include either voice data or background noise information (e.g. other parties talking) as well as

an identifier associated to the respective terminal providing said voice data or said background

noise information;

determining based on said received data packets at least one terminal currently providing voice

data, if any, among said terminals participating in said conference call;

mixing said received voice data and said received background noise information (col. 5, line 49 –

col. 6, line 7; col. 9, line 56 – col. 10, line 15; col. 10, lines 27-36; col. 11, lines 8-19).

Foster further discloses a received second data packet further includes a second identifier

associated with a second terminal (col. 3, lines 24-37; col. 6, lines 8-46).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the method of Su to include a data packet with identifier information as taught by Foster. One of ordinary skill in the art would have been lead to make such a modification to provide a conference call application in which the source of an input channel to a conference call is identified to another participant.

Regarding claims 16-21, see Foster: col. 3, lines 24-37; col. 6, lines 8-46.

10. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Foster.

Regarding claim 22, Su discloses a method for managing a packet switched, centralized conference call between a plurality of terminals (i.e. telephony devices) (Fig. 1, Fig. 2: participants 1-2) (col. 3, line 60 – col. 4, line 7), the method comprising:

receiving a stream of packets from a plurality of terminals participating in a voice over Internet protocol (VoIP) conference call (col. 1, lines 18-22) at a conference call server (Fig. 2, 200) (col. 4, line 62 - col. 5, line 18); decoding the received stream to extract background noise information and any voice data (col. 8, lines 37-43);

determining if the decoded stream includes any voice data; if the decoded stream includes voice data, extracting an identifier (i.e. priority assignment) associated with a first terminal from which the decoded voice data is extracted (col. 7, line 40 – col. 8, line 3); mixing the decoded voice data, if any, with the decoded background noise information; inserting the mixed voice data and background noise information and a header that includes the extracted identifier, if any, into an outbound packet; and streaming the outbound packet to the plurality of terminals participating in

the VoIP conference call (col. 6, lines 31-49; col. 7, lines 61-65; Fig. 5, 560; Fig. 4; col. 8, line

37 – col. 9, line 14).

Su discloses receiving and transmitting streams of packets in a VoIP conference call.

However, Su does not disclose said conference call is based on the Real-time Transport Protocol

(RTP).

Foster discloses a method for managing a packet switched, centralized conference call

between a plurality of terminals (Fig. 2; see Abstract), said method comprising at a conference

call server (Fig. 2: 44, 46):

receiving data packets from all terminals participating in said conference call, which data packets

include either voice data or background noise information (e.g. other parties talking) as well as

an identifier associated to the respective terminal providing said voice data or said background

noise information;

determining based on said received data packets at least one terminal currently providing voice

data, if any, among said terminals participating in said conference call;

mixing said received voice data and said received background noise information (col. 5, line 49 –

col. 6, line 7; col. 9, line 56 – col. 10, line 15; col. 10, lines 27-36; col. 11, lines 8-19).

Foster further discloses said conference call is based on the Real-time Transport Protocol

(RTP), wherein said data packets are RTP packets (col. 8, line 6 – col. 7, line 67).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to modify the method of Su to include a RTP protocol as taught by Foster.   One of

ordinary skill in the art would have been lead to make such a modification to provide a

conference call application in the Internet utilizing RTP.

Regarding claims 23-26, see Foster: col. 3, lines 24-37; col. 6, lines 8-46.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. See PTO-892 Form.

13. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The

examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or

relating to the status of this application or proceeding should be directed to the Group

receptionist whose telephone number is (571) 272-2600.

14.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
January 7, 2008

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600